

Message Text

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DEPARTMENT PASS SCA, PPT AND EUR/CE

E.O. 11652: GDS

TAGS: PFOR, PBOR, CGEN, CPAS, GE

SUBJECT: FORM TO BE USED IN COMPLETING "BIRTHPLACE" SPACE IN U.S.

PASSPORTS ISSUED TO AMERICAN CITIZENS BORN IN THE
GDR AND THE SOVIET SECTOR OF BERLIN

REF: (A) 8 FAM 249-24-PROCEDURES; (B) BERLIN 6575; (C) BERLIN 6569

1. THE EMBASSY MAY SHORTLY BE ISSUING U.S. PASSPORTS TO AMERICAN CITIZEN CHILDREN BORN IN THE GDR. (SUCH CASES ARE PENDING IN THE SITUATIONS OF MARVIN EARL BELTZ AND JAMES CARL MOORE. (SEE REFS B AND C) WE MUST ALSO FACE THE POSSIBILITY THAT WE WILL BE CALLED ON TO DOCUMENT AN AMERICAN CITIZEN CHILD BORN IN THE SOVIET SECTOR OF BERLIN. THE QUESTION THEN ARISES AS TO HOW THE BLOCK LABELED "BIRTHPLACE" ON PAGE 2 OF THE PASSPORT BOOKLET IS TO BE COMPLETED IN SUCH CASES.

2. IN THE NORMAL COURSE OF EVENTS, WE WOULD SIMPLY REFER TO THE BIRTHPLACE GUIDE GIVEN IN 8 FAM 249.24F-PROCEDURES. HOWEVER, CERTAIN POLICY CONSIDERATIONS ARISE IN THIS MATTER.

1. WOULD THE DESIGNATION "GERMANY" AS BIRTHPLACE FOR AMERICAN CITIZENS BORN IN THE GDR AND "OR THE SOVIET SECTOR OF BERLIN CREATE POLICY PROBLEMS IN OUR RELATIONS

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WITH EITHER THE GDR OR THE FRG NOW THAT THE UNITED

STATES HAS ESTABLISHED DIPLOMATIC RELATIONS WITH THE GDR--THUS RECOGNIZING TWO SOVEREIGN STATES IN THE GERMAN NATION?

B. WOULD THE DESIGNATION "GERMAN DEMOCRATIC REPUBLIC" AS BIRTHPLACE FOR THOSE BORN IN THE GDR (BUT OUTSIDE THE SOVIET SECTOR OF BERLIN) CREATE PROBLEMS IN OUR RELATIONS WITH THE FRG?

C. ALTHOUGH, CLEARLY, IT WOULD BE INAPPROPRIATE TO DESCRIBE "BIRTHPLACE" OF THOSE BORN IN THE SOVIET SECTOR OF BERLIN AS "GERMAN DEMOCRATIC REPUBLIC", SHOULD THE TERM "GERMANY" OR "BERLIN" OR SOME OTHER DESIGNATION BE EMPLOYED?

D. IN CONSIDERING THESE QUESTIONS THE EMBASSY WOULD APPRECIATE THE DEPARTMENT'S VIEWS ON WHETHER THE CHILD WAS BORN IN THE GDR OR EAST BERLIN EITHER BEFORE 1945, BETWEEN 1945 AND 1949, OR SINCE 1949 WOULD HAVE ANY EFFECT ON HOW A, B, AND C ABOVE ARE ANSWERED.

3. THE OPTIONS AVAILABLE ARE (A) "GERMANY" TO BE USED IN EVERY CASE, (B) "GERMAN DEMOCRATIC REPUBLIC" TO BE USED IN ALL CASES EXCEPT THOSE BORN IN THE SOVIET SECTOR, WHERE "BERLIN" WOULD BE USED, OR (C) "GERMAN DEMOCRATIC REPUBLIC" IN ALL CASES. THESE OPTIONS WOULD BE SUPPLEMENTED BY A SPECIAL ONE IN WHICH "GERMANY" IS USED IN ALL CASES OF PERSONS BORN BEFORE THE FOUNDING OF THE GDR IN OCTOBER 1949.

4. THESE OPTIONS MUST, WE BELIEVE, BE CONSIDERED ON BOTH THE POLITICAL AND DOCUMENTATION LEGAL LEVEL. POLITICALLY, OF COURSE, OPTION 3(A) IS THE MOST DESIRABLE. OPTIONS 3(B) AND 3(C) RAISE POLITICAL PROBLEMS AND CLASH, IN SOME RESPECTS VIOLENTLY, WITH US RELATIONS WITH THE FRG, ALLIED POLICY ON BERLIN AND THE TERMS OF REFERENCE OF THE QUADRIPARTITE AGREEMENT, WITH CONSEQUENT IMPLICIT POSSIBILITIES OF DIFFERENCES WITH THE USSR.

5. HOWEVER, WE MUST ALSO CONSIDER THE USE TO WHICH THE

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PASSPORT IS TO BE PUT AND THE CONSEQUENCES TO THE INDIVIDUAL OF HOW "BIRTHPLACE" IS COMPLETED. FURTHER, WE MUST ALSO DECIDE HOW THE BLOCK DEALING WITH PLACE OF BIRTH IS FILLED OUT ON OTHER DEPARTMENTAL FORMS SUCH AS FORM FS-176 (PASSPORT APPLICATION), FS-545 (CERTIFICATE OF BIRTH ABROAD), FS-140 (REPORT OF BIRTH) AND FS-142 (REPORT OF DEATH). FURTHER, WE NOTE THAT AMERICAN CITIZENS MAY BE CALLED UPON IN THEIR LIFETIME TO COMPLETE OTHER

U.S. GOVERNMENT AGENCY FORMS AND DOCUMENTATION, WHERE THE DESIGNATION, "GERMANY", IS INSUFFICIENT TO U.S. GOVERNMENT PURPOSES. FOR EXAMPLE, DOD FORM DD-398, "STATEMENT OF PERSONAL HISTORY", WHICH IS COMPLETED BY ALL MILITARY AND CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE, AND FORM SF-171 "PERSONAL QUALIFICATIONS STATEMENT", A STANDARD CIVIL SERVICE COMMISSION FORM FILLED OUT BY EVERY APPLICANT FOR A CIVIL SERVICE POSITION--BOTH REQUIRE DATA RELATING TO PLACE OF BIRTH. CAN WE ASSUME THAT THE AVERAGE CITIZEN OBTAINING A PASSPORT OR COMPLETING SUCH A FORM WOULD UNDERSTAND WHEN THE TERMS, "GERMANY" OF "GERMAN DEMOCRATIC REPUBLIC" ARE APPROPRIATE FOR USE? FURTHER, WOULD THE USG UNDERTAKE DIFFERENT SECURITY INVESTIGATIONS, FOR EXAMPLE, FOR PERSONS BORN IN THE GDR, THE FRG, OR WEST BERLIN? THE DECISION ON HOW TO DESCRIBE PLACE OF BIRTH WILL THEREFORE HAVE IMPORTANT PRACTICAL IMPLICATIONS AS WELL AS POLITICAL ONES. EVEN FURTHER, IS GERMANY AN ACCURATE DESCRIPTION OF PLACE OF BIRTH, UNDER GENERALLY ACCEPTED INTERNATIONAL LEGAL STANDARDS, IN A COUNTRY RECOGNIZED BY THE UNITED STATES?

6. IF THESE PRACTICAL AND LEGAL PROBLEMS DID NOT EXIST, THE EMBASSY WOULD RECOMMEND "GERMANY" AS THE AUTHORIZED DESIGNATION. HOWEVER, WE DO NOT HAVE THE MEANS TO ASSESS ALL THESE COMPLICATING FACTORS AND INTEGRATE THEM INTO A FIRM POSITION ON THIS MATTER.

7. THE DEPARTMENT'S VIEWS ON THESE QUESTIONS ARE REQUESTED. COOPER

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